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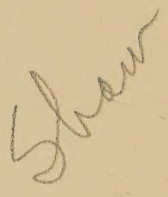

# The Nationalist Program for China

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# PREFACE

LAST August I was invited by the Institute of Politics at Williamstown to deliver two lectures on the program, domestic and foreign, of the Kuomintang. When the editor of the Yale University Press suggested publication of the lectures in book form, I fell in with the idea. While lectures are not usually, even after editing, most suitable for reading (if, indeed, they are always agreeable to listen to), I was prompted to publish them by the fact that Americans everywhere show a very keen and friendly interest in China and that some of the most important of the aims and objects of my party, the Kuomintang, have not been made known abroad at all.

Besides the formal lectures at the Institute, there were also general conferences at which various subjects were discussed in an informal way. At two of the conferences which I attended, the subject was Manchuria; and in view of the special interest which Americans manifest in the vexed problems that have sprung up out of this region, I have included

in the following pages my contribution to the discussion in those two conferences.

My thanks are due to the Institute for its courtesy in allowing me to use the stenographic notes of the various meetings.

C.-C. W.

*Washington,*
*Christmas Eve, 1928.*

## CONTENTS


Lecture I. The Domestic Program of the Kuomintang 1

Lecture II. The Foreign Program of the Kuomintang 33

Conference on Manchuria. I. 59

Conference on Manchuria. II. 70

Appendices

I. Dr. Sun Yat-Sen's Will 79

II. The Organic Law of the National Government of the Republic of China 81

III. Statement by Mr. Frank B. Kellogg, Secretary of State, January 27, 1927 90

IV. Statement by Mr. Chao-Chu Wu, Minister of Foreign Affairs, May 11, 1927 98

V. Statement by Mr. Chengting T. Wang, Minister of Foreign Affairs, June 15, 1928 102

VI. Note from Mr. Wu to Mr. Kellogg, July 11, 1928 104

VII. Note from Mr. Kellogg to Mr. Wang, July 24, 1928 106

VIII. Tariff Treaty between China and the United States, July 25, 1928 110

# The Nationalist Program for China

## I.

## The Domestic Program of the Kuomintang

I APPRECIATE the opportunity afforded me to try to show clearly what our party stands for politically, economically, and socially, even though only a general outline can be given in the limited time at my disposal. So much has been said about the Kuomintang that is not true—sometimes unconsciously, and at other times, I fear, wilfully—that there may be interest in a direct exposition of the aims and objects of the party which has succeeded, after a dozen years of civil strife, in giving political unity and a single central government to China.

The policies of the Kuomintang, or the Nationalist Party, are summed up in the "San Min Chu Yi," or the Three Principles of the People. These were first formulated and enunciated by Dr. Sun Yat-Sen, its revered founder. The first principle is Nationalism; its aim is to make China a nation that shall in every respect be free, independent, and treated as

an equal in the society of nations. The second principle is Democracy; its aim is to secure for China a republican and democratic form of government. The third principle is Livelihood; its aim is to make the Chinese an economically efficient and contented nation. These widely proclaimed Three Principles of Dr. Sun are the political heritage of the party. He has himself paraphrased them in the words of a famous American. The first principle is "government of the people"; the second, "government by the people"; and the third, "government for the people."

The first principle of Nationalism has to do with China's international relations. I propose to leave the discussion of this principle until later, and concern myself now with the other two.

I begin with the second principle of Democracy. Although the form of government in China was a monarchy for thousands of years, the spirit of the Chinese people has always been democratic. This democratic spirit is exemplified in a folk song over four thousand years old:

> When the sun rises, I toil;
> When the sun sets, I rest;

I dig wells for water;
I till the fields for food;
What has the king's power to do with me?

We have had in China a history of religious liberty, civil liberty, and even political liberty which compares favorably not only with western countries of two or three hundred years ago, but even with some of those of today. We have had self-government, so that the Chinese have been perhaps the least governed of all peoples. Visible evidence of this is the way in which China's national life has gone on without interruption in spite of misgovernment and civil wars, and her imports and exports have, with but one exception, increased year after year.

But our self-government has been of a kind suited for a small unit—the clan, the village, or what you may call the precinct in a city; there has been no organization for the larger unit—the city, the county, much less for the whole country.

The Kuomintang, in accordance with the principle of Democracy, proposes to introduce those institutions which have been tried by the West and found best suited to give expression to the will of the majority. It would intro-

duce universal suffrage, irrespective of qualifications of property or distinctions of sex. It would give the people the right of referendum to pass on important pieces of legislation. Our party would also give the people the means of initiating legislation, to be used when they find their legislators too apathetic. It would advocate that, side by side with the right of the people to place public servants in their positions, the people should have the right to dismiss them for good cause.

We know, of course, that it is said the vote, the referendum, the initiative, and the recall have not always worked satisfactorily. Indeed, not only these mechanisms of democracy, but democracy itself has been challenged. Extolled, perhaps overextolled, a few generations ago, democracy is today facing a strong negative criticism. There are in existence at present systems designed to take the place of democracy as a form of government. The Kuomintang is not blind to the defects in the institutions of democracy; it will use the means which are being used in the West, the most important of which is political education of the people, to remove those defects. And in addition to these means, the Kuomintang will use in China two others which I shall describe.

What I wish to emphasize here is that notwithstanding the defects of democracy, real and fancied, the Kuomintang believes in democracy as the best system of government so far evolved, and would range China in the ranks of the great liberal democracies of the world.

I have said that the Chinese have always been a democratic people. This is demonstrated by the existence of two institutions which are essentially democratic and which have been evolved by the genius of the nation.

For many centuries, China has had a system of examinations as the method for the selection of public servants. In the heyday of the empire, the public examinations furnished practically the only means of entering into the government service. These examinations were held periodically, and the working of the system was in general as follows. Examinations were held first in the districts, each district having a quota assigned to it so that only a fixed number, a mere fraction of the contestants, could pass the examination. Those who passed this test successfully went on to the capitals of their respective provinces for a further examination. The fortunate ones, after this second eliminating process, proceeded to

the national capital where they were given their final examination under the eyes of the emperor himself. Only after candidates had been successful in the metropolitan examinations might they be given government posts, whether as clerks in the various ministries of the central government or as magistrates in the provinces. An identical system of examination and selection was instituted for the military service.

This was the severe test which practically every aspirant to public office had to undergo. The institution was democratic. The son of a prince could not enter government service unless he went through the mill. On the other hand, the son of a peasant, no matter how poor or humble, was freely admitted to the examinations. If the peasant's son was successful, he would get the reward of talent as fully as the son of a prince, and he probably had greater chances of success than the other, because all the world over and in all ages the poor man's son would study harder than the rich man's son.

It was this merit system which saved China from the feudalistic conception of a ruling class whereby a man who had a noble name—which often was the only thing he had—was

supposed to be qualified to govern his fellow men. Furthermore, this system recruited the best talents of the country for national service, thus solving a problem which even now is confronting some democracies.

For the successful working of this merit system there was an essential requirement—the character of the examiners. They were commissioners appointed by the emperor for each examination. To insure their independence and impartiality, very strict rules were enforced. Though they were appointed by the emperor, after their appointment they took orders from no one, not even from the emperor himself, with regard to the discharge of their duties. They had, in fact, the status of quasi-judges.

Now it is the purpose of the Kuomintang to revive the examination system. Such a system, based entirely on merit, and eliminating favoritism and nepotism, would secure for the public service the best brains of the country. It would also do away with some of the evils of too many elections, particularly elections for offices which are nonpolitical.

Another institution peculiarly Chinese is of even greater antiquity. From the earliest days of our national history, we have had official

historians. These officials were charged not only with the duty of recording events for the enlightenment of posterity, but also—through the trustworthiness of their records—with the task of criticizing the acts and passing judgment on the conduct of contemporary rulers. Thus each of the earliest emperors had two of these men accompanying him, one on either side, the one on his left to take down his words and the one on his right to record his deeds. There are instances in Chinese history in which such official observers recorded fearlessly the words and deeds of despots and gave up their lives in the discharge of their functions.

From this institution of official historians it was but a step to the establishment of the censorate. The duty of the censors was to supervise the officials of the entire country. They were called the eyes and ears of the emperor. If they found any official, no matter how highly placed or how powerful, to be corrupt or incompetent or negligent in the performance of his duties, they were to impeach him before the emperor. Indeed, cases are to be found in which the emperor himself was impeached for improper acts. There was of course no higher tribunal, short of the people,

before whom the emperor could be arraigned by the censors, but it was in the nature of an appeal from Philip drunk to Philip sober. When Philip remained drunk, on occasions the censors paid for their temerity with their lives. But in the main they were expected, by vigilant oversight of the conduct of public servants, to maintain a high standard of honesty and efficiency in the service of the country. It is to be observed that the position of the censors likewise resembled that of judges. They were to be independent and judicial in the performance of their functions.

The Kuomintang's program advocates the reëstablishment of these two institutions. The examinations would, of course, not be on ancient classics, or eight-legged essays,* and there would be no emperor for the censors to impeach. But we find the principle of these institutions so good that we desire to retain them and adapt them to present-day conditions.

We go even farther. Western democracies are familiar with the triple division of the powers of government into the legislative, the executive, and the judiciary. On a plane of equality with these three orthodox branches of

* Artificial and rigid type of essay.

government we would rank the Board of Examiners and the Board of Censors. This is what is meant by the Five-Power government advocated by the Kuomintang. By so doing we believe that we shall be able to eliminate some of the shortcomings of democratic government in practice.*

Incidentally, I may point out that this, if you like, novel system of government disposes of a criticism sometimes leveled at us, that we

* Since this lecture was delivered, the Kuomintang decided actually to establish the Five-Power government. Accordingly, the Nationalist Government, which was organized in July, 1925, at Canton, and which had retained the same form, though the seat of government, owing to military successes, was transferred from Canton to Wuhan, and again from Wuhan to Nanking, was reorganized on October 10, 1928. The Government now has five Yuan (Councils) each presided over by a President and a Vice-President. The Executive Council, vested with the highest executive functions, has under it ten Ministries, viz., Foreign Affairs, Finance, Defense, Interior, Education, Railways, Communications, Agriculture and Mining, Industry, Commerce and Labor, and Public Health. The Legislative Council has from forty-nine to ninety-nine members serving a term of two years. The Judicial Council consists of the Highest Court of Judicature and the Ministry of Justice. The Examining Council has charge of the examinations and it is expressly pro-

blindly adopt western institutions without regard to their suitability to Chinese conditions; likewise an analogous criticism, that we are prone to do away with everything old, whether good or bad. It is evident that neither criticism is justified.

The carping critic may say that it is an instance of the visionary idealism of the Kuomintang to endeavor to give the Chinese people, a majority of whom are illiterate and politically uneducated, such rights as universal suffrage, the recall, the initiative, and the referendum, and to expect them to be able to know how to use them. I admit that it is idealism. Some of the greatest achievements in this

vided that all public functionaries are to be appointed only after their qualifications have been determined by this Council. The Control Council has the function of impeachment and also of audit, two powers appropriately vested in the same organ of government.

Over the five Councils is a State Council which is the highest body in the Nationalist Government. It has a President, who is given the title of President of the Nationalist Government, and from twelve to sixteen State Councillors, from among whom the Presidents and Vice-Presidents of the five subordinate Councils are appointed.

An English translation of the text of the Organic Law of the Government is to be found in Appendix II.

world have been due to idealism. But we are not by any means visionary. We know, none better, the tremendous difficulties in preparing the Chinese people for the exercise of the rights and functions of modern democracy. Hence, years ago, we had mapped out three stages or periods in the advance of the Chinese people toward constitutional democratic government. The first is the military period, when force has to be employed in order that the elements of reaction and corruption which are hostile to the Revolution may be swept aside. The second period is that of political tutelage. The people must be given education, and more education, and still more education, in order to prepare them for the task before them, to fit them for the exercise of their civic rights and the discharge of their corresponding duties. And, of course, a minimum program for the development of the means of communication and the material resources of the country must be carried out at the same time. When sufficient advance has been made along these lines of education and preparation, the third period will have been attained of full constitutional government.

If it is asked how long it will take to go from one period to another, I am not hardy enough

to venture an answer. It will depend upon many circumstances which are beyond our control. But the time need not be long. Two or three years ago, many people, Chinese as well as foreign, thought that it was a mad dream for the Kuomintang to attempt to unify the whole country. And yet we have seen how, in a surprisingly short space of time, that dream has materialized in spite of unforeseen difficulties and complications. At the present moment, for the whole of China, the first period of military force is at an end, and the second period, that of education and reconstruction, has been reached—with the sole exception of Manchuria where, through no fault of ours, unforeseen difficulties and complications have arisen. There is no reason that, given a fair chance, China should not reach the third period also in a surprisingly short space of time and become in the fullest sense a modern democratic state.

We now come to the third principle, namely, Livelihood. As Dr. Sun has said, livelihood is the center of government, of economics, and of all historical movements. The conditions under which men work and live are after all those which concern them most. To improve the lot of the masses is probably the

most important task that the Kuomintang has taken upon itself.

A misconception which gained considerable currency at one time was that the economic principle of the Kuomintang was communistic. As evidence the Nationalist flag, which has a red field, was pointed to. But a New York flag maker knew better. Last June when the Nationalists captured Peking,* the former northern capital, there was a great demand in America for our Nationalist flag. Somebody ordered one from a flag maker in New York and gave the manufacturer elaborate specifications as to how the "new" flag was to be made. After a careful study of the directions, the flag maker declared that he had made many such flags before, and that it was not a new flag at all. He was right. It had, in fact, been the naval flag of China ever since the in-

* Peking has since been changed to Peiping. As Peking means "Northern Capital," and as the city is no longer the capital of China, the honor now belonging to the historic capital of China, Nanking, it is obvious that that name would, if continued, be a misnomer. The new name, Peiping, means "Northern Peace," and it is not really a new name so much as the revival of an old one—a name which the city had in the middle of the fourteenth century.

auguration of the Republic. When, back in 1912, this design was adopted as the naval flag, nobody construed any communistic meaning in it any more than in, for instance, the British red ensign. But on the adoption of the same design a dozen years later by the Nationalists as the national flag, it was imagined in some quarters to be convincing evidence that the Nationalists had gone "Red."

So much for ignorance and suspicion. To return to economic theories, it is sufficient to say that Dr. Sun, in his public lectures on the Three Principles, disapproved of some of the basic theories of Karl Marx, such as the materialistic conception of history, the doctrine of surplus value, and the necessity of class struggle, and considered Marx a "social pathologist," not a "social physiologist."*

I was once asked by a business man whether the Kuomintang was socialistic. My reply was that if he would give me a definition of socialism, I would tell him whether we were socialists or not. One wing of socialism, as I understand it, shades off into communism. On the

* In this striking phrase, Dr. Sun desired to convey the idea that Marx aimed merely at the cure, and not at the prevention, of disease in the economic organization of society.

other hand, some of the activities in which such governments as the American and the British now engage, and some of the measures which such legislatures as the American Congress and the British Parliament now are passing, would have been called, fifteen or twenty years ago, downright socialism. The truth of the matter is that there are so many species and degrees of socialism that it is difficult to know what it really is and thus to answer the question whether the Kuomintang is socialist. Instead of going after illusive definitions, I shall endeavor to give you a broad outline of our economic program.

Four essentials in man's material life are: food, clothing, shelter, and transportation. Under each of these heads, much work has to be done in China for the welfare of the population. Take the example of food. China is a great agricultural country. The soil is fertile. The people are industrious and thrifty. Yet periodically there are great famines; we are even now in the midst of one in Shantung and the adjacent regions. For this food shortage, aside from social causes such as civil war or oppression and excessive taxation on the part of the militarists, there are definite recurring physical causes such as drought, flood, and

pests. The Kuomintang has definite ideas and projects which it wants to develop or which it desires to teach the people in order to solve the problem of food. Such catastrophes as drought and flood are largely preventable by the application of science and engineering. There are definite projects of flood control, irrigation, and afforestation. We want to combat the pests and blights which frequently reduce or destroy the crops; all this calls for government activity and for education of the farmers. We want to develop an extensive agricultural education so that the farmers will be able to increase the yield of food supplies per acre by more efficient treatment of the soil, seed selection, rotation of crops, and agricultural machinery.

Similarly, in regard to the other three necessaries of life—clothing, housing, and transportation—the Nationalist Government, in order to meet the needs of four hundred million souls, has a prodigious task before it. It may be noted also that the problems are interrelated. For example, the transportation problem is closely related to the food problem. There may be famine in one part of the country and plentiful crops in another, but the food cannot be supplied to the famine district ow-

ing to lack of transportation facilities. Besides the waterways—natural rivers and artificial canals—there are only seven thousand miles of railway in all China, and about ten thousand miles of road suitable for motor traffic. The strongest carrier cannot take more than about 100 catties (133 lb.) 100 li (30 miles) a day, while the capacity of an average carrier is much less than this. Before the carrier has covered any great distance he will have need of food equivalent to the load he carries, and he will have consumed it. Therefore we place great importance on the building of highways and railways, not only for other considerations, but even in our dealing with the food problem.

In the work of reconstruction and in the development of the country's vast natural resources, there are two important requirements. One is capital, and the other is expert knowledge. In both of these China is still deficient. It is necessary to obtain both, and in considerable quantities, from foreign sources. The Kuomintang is ready to welcome foreign capital whether in the form of cash or of supplies, and foreign experts whether as organizers or as advisers. Dr. Sun in his book, *The International Development of China,* has out-

lined many projects of varying magnitude and asked foreign coöperation to carry them out; this book is sufficient contradiction to any misrepresentation to the effect that the Kuomintang is hostile to foreign enterprise in China.

True, we object to foreign enterprise if it is made an instrument of political domination, imperialistic penetration, or ruthless exploitation. If the investment of a few millions in a railway means the control of the railway, and the control of the railway means the establishment of a sphere of influence over the region through which that railway passes, then we are hostile to such a foreign investment. If, as the consideration for a small loan, a mining company is forced to agree that its products shall be exported for a long term of years to a foreign country at a figure below the market rate, so that the company is always on the verge of bankruptcy, while its mine—a good mine, too—is worked feverishly day after day to export ore in accordance with the agreement, then we are hostile to such a foreign loan.

If, however, foreign capital goes to China without ulterior motives, purely as a legitimate business proposition seeking a good investment, then we welcome it; and it will find

that there are many good investments in China.

Everybody knows that China is tremendously rich in natural resources of every conceivable kind. It will take only the magic wand of science and capital in order to make these resources available for the use of mankind. Likewise, China has unlimited possibilities as a market. That market is free to any comer. We believe in no dog-in-the-manger policy. There is enough and more than enough for the benefit of everybody.

China's consumption of iron and steel is about 1/180 of that of America. Coal deposits are to be found everywhere, and yet, owing to lack of development due principally to inadequate means of transportation, China's output is about 25,000,000 tons compared with 585,000,000 tons in America. China has an enormous number of people, and they have to be clad, principally with cotton. Some statistician has worked out how much the unemployment problem in England or at least in Manchester would be relieved if the Chinese wore their clothes but one inch longer. Yet China has only 3,500,000 spindles compared with America's 35,000,000, exactly ten times as many, and England's 57,000,000; and, fur-

thermore, of China's spindles, nearly one-half are foreign owned.

There is, therefore, a wide range of possibilities for private enterprise both in natural resources and in potential markets. While the policy is in general to be no limitation to the field for private enterprise, there are certain industries which we believe should be managed and controlled by the state. These are the industries which affect the welfare or the convenience of a large proportion of the citizens of the country and which are monopolistic in character.

As an instance, I would mention the railways. Whatever may be the conditions in certain countries, such as America and England, which justify private ownership of railways, the tendency in most countries of the world is toward state ownership and control. In China the reasons for such ownership and control are particularly strong. Owing to the difficulty of communications in this vast territory, the railway wields an enormous influence. This is as true now in China as it was in the early days of Canada or of your own western States; perhaps even more so. We believe that that influence should not get into private, much less foreign, hands. This does not mean that private

capital and foreign capital should not be invested in railways; it simply means that the ownership and control of the railways should be vested in the state.

What is true of railways is also true of certain other monopolistic key industries, say, the wireless or hydroelectric power. If these were to fall into private hands, human nature being what it is, abuses are bound to creep in and complaints will inevitably arise. We believe that much of the trouble between capital and labor in many countries is due to this cause. We believe that one of the principal causes for the appearance of communism is to be found here. By the "regulation of capital" —that is, by the limitation of the sphere of activity of private capital—we hope to avoid some of the pitfalls and to profit by the experience of western countries.

An economic problem which looms large in many of the old countries is that of land. A great percentage of the land of these countries is in the hands of a few who are able thereby to exploit the peasants. The Russian revolution was due principally to the agrarian situation. Right now several European countries are face to face with this problem.

Fortunately for China, we have no such

problem; the reason for this is the democratic nature of our laws. We do not have the rule of primogeniture, which in other countries is responsible for the maintenance of large landed estates. In China, since time immemorial, when a man dies, his estate, whether real or personal (these terms are unknown in Chinese jurisprudence), is divided equally among all his sons. The first-born does not get all of the land as in some other countries; he gets merely a share like the rest. Sometimes he gets a little more than the others, at most a double portion, because as the eldest son and therefore the representative of the family he has more duties to perform which entail expense. But a double portion is the most he is permitted to get, and the younger sons do not become landless. Thus, no matter how large an estate a man may amass during his lifetime, on his death it will be divided, and with succeeding generations it will be more and more subdivided. Therefore, at the present time, land with us is held by a greater proportion of the population, probably, than in any other country. We do not know the great estate in the European sense of the word.

In fact, our problems are the reverse. Owing to the fact that there are so many small land-

holders, in these days of mass production and the use of machinery we would have to organize our peasantry in order to take advantage of modern improvements. Our small landowners are poor. The margin that separates them from want and even starvation is narrow. When in a bad year there is a bad crop, usurers lend money on the security of their land at ruinous rates of interest, and when the mortgage falls due the land is promptly foreclosed and an erstwhile owner of land becomes a farm hand. The easiest way to eliminate this form of exploitation is by the establishment of agricultural banks. So much for rural land.

In regard to urban land we are beginning to face a problem of another sort. Our people are distributed over the land rather than concentrated in cities. Comparatively speaking, we have no big metropolitan cities, such as New York, London, or Paris. The back-to-the-land movement is unnecessary as we have always lived on the land. With the beginning of the industrial movement, however, there is, in certain regions at any rate, a movement of the population to the cities. You are familiar with the housing conditions in some of your great cities, how the members of a family and in-

deed sometimes the members of several families are huddled together in the small space of one room and are paying high rent for this. The land on which the tenement house stands may be owned by someone who, as a matter of speculation, bought it cheap twenty or ten years ago, and who now finds that its value has increased many times.

Just now, in China, as reconstruction is the order of the day, many cities are being improved by the building and widening of roads, the opening of parks, and the construction of residences and factories, and even new ports and cities are being laid out and built. It is very easy for a few land speculators, or as you would call them "land sharks," to buy up acres of land for a song and to await the improvements and developments which will come from the efforts and energies of others, whether the state or the municipality or enterprising individuals. These speculators would monopolize the land and reap the benefit of the exertions of others without having done anything themselves to contribute to the prosperity of the locality. Not only would a few men have thus gained profits, and disproportionate profits, but they would artificially raise the price of

the land, cause congestion of population and compel the poor people to live in crowded tenements.

The Kuomintang proposes by a simple plan of land taxation to remove this evil. Recognizing the inevitable presence of speculation, it desires that the reward of effort shall fall principally to those who have made the effort, and that land values shall not be artificially kept too high. The plan of land taxation is in substance as follows.

Land is registered with the municipal government at a value estimated by the owner. The land is taxed according to that valuation. We think that this valuation, though made by the owner, will not be far from the market value of the land, because we make it plain to him that the municipality has the option of buying it from him at that figure. The proposed rate of taxation under this plan is higher than the rate land pays now in Chinese cities, but no higher than the rate usually paid in typical European or American cities. Vacant lots we shall tax higher than lots built upon, in order to discourage speculation and to encourage building. When land is sold at a profit, the difference between the selling price and the last registered price represents an increase

which is due principally to the efforts of others; in other words, this increase represents unearned increment. It is no hardship on the owner to pay a tax on this unearned increment of 30 per cent or 40 per cent. When the land is not sold, the unearned increment can be easily ascertained by a periodical valuation report of landowners.

This, briefly, is the plan. In our opinion it will not only remove the evils I have mentioned, but it will also discourage the investment of too much money in land and will free capital for industrial enterprises.

These two proposals—one the regulation of capital, and the other the equalization of land—are not by any means startling or revolutionary innovations; as various countries have adopted or are beginning to adopt one or the other. On the one hand, the sphere of government activities is being enlarged year after year. Whether it is the management of railways in the case of one country, or the construction of dams and reservoirs in the case of another country, the general conviction is that, in the present stage of human progress, certain enterprises are monopolistic in character, and that since they affect the welfare of a large proportion of the people they should

be in the hands not of single individuals but of all the individuals of the country as represented by the government. On the other hand, schemes similar to our proposed land taxation system have been evolved and are operating in certain countries. Even in England, a proposal was made not long ago to tax unearned increments, and nearer home we have the example of the city of Tsingtao, which, ever since German occupation and development as a modern city, has had such a system of land taxation.

With the general tendency of the age toward liberal legislation and social reform, I need hardly say that we of the Kuomintang are entirely in sympathy and accord. This tendency in our country, as in every other civilized country, is being expressed in regard to opportunities for improvement for women and for workers, both in agriculture and industries.

Legal, social, and economic equality for women is on our program. Women in China have never, even in the past, been relegated to the position of subordination and disadvantage which they have occupied in some other countries; but it is our party's aim to accord to them complete equality with men. For example, last winter, in the committee, of which

I was one of the three members, for the revision of our criminal code, we were instrumental in removing a disparity in the legal treatment of women. At the present moment, there are women members both in the highest governing body of the Nationalist Party—the Central Executive Committee—and in the highest governing body of the Nationalist Government—the Council.

We are striving for the improvement of the lot of the peasants and of the workmen. Trade unions have been legalized, and we are drawing up an ambitious labor code, in line with the trend of legislation in liberal countries. To assist the peasants, who constitute, it is estimated, perhaps 85 per cent of our population, we are beginning to organize them both for defense against banditry, and for coöperation in production and distribution of agricultural products.

In the matter of education, so important to intelligent citizenship, so vital to the success of democracy, universal compulsory elementary education is our goal. Although the percentage of literacy in the population is small compared with the present percentage in other civilized countries, Chinese of all classes have always had great respect for scholarship and a

natural taste for intellectual culture. Even among the peasantry and laborers there is appreciation of the value of education. Lack of opportunity, due principally to lack of schools, has been the main cause of illiteracy. Thoughtful men throughout the nation are realizing as never before the importance of education for the masses of the people, and are throwing themselves whole-heartedly and unselfishly into the work. Some of these educators are devoting themselves to simplifying the written language. Others are developing the mass education movement, going out personally as teachers and instructors in cities and villages. All these efforts have the entire support and coöperation of the Kuomintang.

In this rapid sketch I have touched upon only the principal points in our domestic program. I can give you but a general idea of what we want to do and the motive for doing it. You have seen that, while retaining the best in our old civilization and culture, we want to make of China a modern nation politically, socially, and economically. For a group to attempt to do this with a country larger than the whole of Europe and containing a quarter of the inhabitants of the globe is, as you may imagine, a herculean task. Neverthe-

less, we believe we shall succeed because we have no other object than the promotion of the welfare of the people, and we feel that in our task the sympathy and support of the entire people are with us.

## II.

# The Foreign Program of the Kuomintang

SO far I have dealt only with two of the Three Principles governing the Kuomintang—the second principle, Democracy; and the third principle, Livelihood. Now I turn to the first principle, that of Nationalism, which has to do with the foreign program of the Kuomintang.

The principle of Nationalism guides our foreign policy. Its aim is the international liberty and equality of China. Now we all know that, in theory, China is a free and independent state, and an equal with other states in the family of nations. That is the theory. But in fact China is tied down by a number of old treaties, ancient treaties, antiquated treaties, reducing her to a position that we consider not so favorable, for instance, as that of India. India, although not an independent nation, is free from some of those fetters which, unfortunately, bind our country; for example, consular jurisdiction. It is a position which no self-respecting nation would tolerate, and it is

the intention of China not to tolerate it any longer.

I have used the word Nationalism to translate our first principle. I am aware that the term nationalism is used in certain countries in a narrow and bigoted sense. I want to make clear here that, whatever connotations that term may have in other countries, with us it is merely a translation of a Chinese term which has no implication, for example, of chauvinism or jingoism. We seek merely what we believe to be our inherent rights as a sovereign and independent nation. It is not our intention to be meddlesome or aggressive or militaristic toward other countries. That the Chinese are a peaceable race, a peace-loving race, is well known. It is so in our temperament. It is so in our philosophy. We will, in spite of provocations, do our best not to become militaristic. We have never believed in the use of force as a means of solving difficulties. If any proof is needed to demonstrate that force is not an answer to international questions, the Great War through which the world has passed with so much agony would seem to be conclusive. While the defeated nations have suffered much, the victorious nations have suffered nearly as much. Those perplexing problems

which are exercising the statesmanship of the governments and taxing the patience and energy of the peoples, are with the nations who won the war just as much as with the nations who lost the war. Even the victors in the war have found themselves victims of war. With this spectacle before her, it is not likely that a nation which has always been a peace-loving nation by tradition and philosophy will now become militaristic.

Also I would emphasize that by nationalism we do not mean anti-foreignism. It is true that for a short period, the Communists in China gave, so far as they were concerned, an anti-foreign interpretation to our doctrine. But according to the teachings of our late leader, Dr. Sun Yat-Sen, and according to the announced policies of our party, our principle of Nationalism has nothing whatever in it of xenophobia. We object to the *régime* under which foreigners live in China. We object to the position of special privilege which foreigners occupy in China. That does not mean that we object to the presence of foreigners in China. I have already pointed out that it is part of our policy to welcome and to invite foreign cooperation in the solution of the many problems of reconstruction which we have before

us. Therefore, our position is rather against privilege and not against foreigners.

The Kuomintang principle of Nationalism being clearly understood in its true sense, the most important objective that we have at the present moment, in order to carry it out, is the abrogation of the unequal treaties. That objective is the center of our foreign policy; it is, one might say, the sun around which our foreign policy revolves.

We want the antiquated treaties abolished, and in their place new treaties made with the foreign powers. We want a fundamental revision of the treaty relationship between China and the foreign powers. We want this treaty relationship revised in terms of reciprocity where before it meant unilateral obligation; in terms of equality where before it was a case of one-sided privilege; and in terms of mutual respect for each other's fundamental rights where before it relegated China to a position of inferiority. That is what is meant by the demand for the abrogation of antiquated treaties and the conclusion of new ones.

"Unequal treaties" is a term we have heard very often. What does China mean by the unequal treaties? She does not mean documents which are merely burdensome or inconvenient

to her. She means those documents which strike at the very roots of her national life, which are derogatory to her fundamental rights as a free and sovereign nation. She means first those treaties or portions of treaties which, under the guise of leasehold or concession or what not, permit a foreign country to exercise dominion in Chinese territory. She means secondly those documents which deprive China of the regulation and control of her own customs. She means thirdly those documents which give the foreigner in China exemption from the jurisdiction of Chinese laws and courts. And finally she means those documents which, contrary to the general principles of international law, give to foreign powers the exercise of political rights on China's territory, whatever form such rights may take. These things are what the Chinese mean by the unequal treaties; these are the treaties which they want changed. No other nation will tolerate such treaties, and China, in order to be free and really sovereign, must use every means to do away with them.

China today is indeed not the China of eighty-six years ago when, in 1842, the first of these treaties was made. China today is a nation fully awakened to her position as a mem-

ber of the family of nations. Her people will not be content with anything less than the possession of the full sovereignty accorded by the law of nations to every sovereign state. Other states which have labored under similar disabilities have, one after another, freed themselves from them whether through diplomatic negotiation or by unilateral cancellation, notably Japan, Siam, Persia, Turkey. China does not wish to have any longer the doubtful distinction of being the only independent state that is not independent in fact as well as in name.

It has sometimes been said that the reason for China's desire to abolish these treaties is merely what might be called *amour propre*. The term which is often used in China's expression of her demands, the term "sovereignty" is, I believe, irritating sometimes to some foreigners; the word crops up so often and so very inconveniently. Some people think that the Chinese talk a great deal too much about this "sovereignty."

Aside from the fact that their talking so much about it indicates a real grievance, the point is: if someone who can get three square meals a day cannot sympathize with less fortunate mortals who cannot get them, of course

we cannot change his limited capacity for sympathetic understanding, but as a practical man he must at least take into consideration the predicament of those others. The psychological factor is important not only in dealings between individuals but as well in dealings between nations. Even if some persons (and I believe they are a small minority) consider that China has not good and sufficient reasons for demanding the abrogation of the unequal treaties, yet as practical persons they must take into consideration the psychological fact that a nation which is greater than all Europe in point of territory and includes more than 400,000,000 population persistently and consistently wants it.

I hope to make it clear that we have good and sufficient reasons for that demand. If I were to sum up what, in the main, is the reason that the Chinese people want these treaties abolished, I could not put it better than to say that it is because these treaties impede our progress and our development as a modern nation. We are sometimes asked, "Why don't you Chinese put your own house in order first, before dealing with this external reform?" Our Japanese friends who, in their own national development, have gone through some-

thing like our present experience, ask that question particularly, because their experience was internal reform first and abrogation of unequal treaties later. Our answer is frankly that we would if we could. Whatever the experience of other nations may have been, with us, the internal problem of reform and the external problem of the treaties are intertwined; they are really two aspects of one question. The present rights and privileges of foreigners in China are so ramified that they go into practically every nook and corner, every phase and aspect, of our national life, so that wherever we wish to make any internal change, even a change for the better, we encounter at every point the foreigner ensconced behind his treaties.

I remember from my schoolboy days a problem that I was once given in physics. The physicist starts with the hypothesis that all the light and heat we have on this earth are derived from the sun. My particular problem was how to connect the light and heat which we got from the burning coal to the sun. By telling the story of how the coal came from the vegetation which had been buried underground ages and ages before, and how that vegetation had derived the light and heat from

the sun, I was able to pass my examination. The tracing of many of the problems that we are now meeting in China back to their origin, to the unequal treaties, reminds me somewhat of that problem in physics. I will try now, in two or three examples, to trace these problems in the same way.

Someone examining me now might ask, for instance: "What has tariff autonomy to do with an immediately urgent problem, namely the disbanding of superfluous troops, superfluous since civil war is ended?" Here is the answer. To disband troops we need money; to get money, the readiest source of revenue open to any government is usually the customs revenue. But when we would get money easily and quickly from our customs revenue, we find that we are prevented by a treaty which says that China shall not impose a tariff of more than 5 per cent *ad valorem* on imports.* So in this attempt to put our own house in order we come up against one provision of the unequal treaties.

Here is another illustration on a small scale,

* Since the delivery of this lecture the Nanking Government has secured recognition of its right to tariff autonomy, and has established a new scale of higher customs duties.

but one which happened to come under my notice when I was serving as mayor in our city of Canton. We had occasion to levy a special tax for the improvement of streets. The tax was very small and the streets were badly in need of repair. We had no other source of ready revenues for this municipal improvement. I should explain, by the way, that we have no land tax in the city of Canton. Agricultural land may be taxed, but in the city itself, where land is worth ten thousand times more than the agricultural land just outside, the land is not taxed.* You see we have not yet put into operation our scheme of land taxation which I have described.

In order, therefore, to get a little money to pave our streets, we levied this special small tax. And further, in order to give added confidence to the taxpayers that this money would be used for that specific purpose, I appointed a committee of good citizens to take charge of that fund. So everybody was glad to pay, and everybody did pay—with one exception. That

* According to the theory of land taxation handed down through the centuries, only "productive land" is taxed and only land used for farming has been considered productive. With that interpretation, only farm land in actual cultivation has been subject to land tax

exception was a small shop—what, in America, is called a drug store—on one of our principal streets. The reason the manager gave for declining to pay was that the store flew a foreign flag. He practically said, "According to the extraterritorial treaties I don't have to pay a cent of taxation to any government in China, whether central government, provincial government, or municipal government, aside from the 5 per cent that I pay for imports." "But," I replied, "you are getting material service from us. We are paving this street, which badly needs repairing, right here in front of your own shop. This is something from which you are getting your money's worth, and the amount is small, negligible."

However, by no amount of argument could I persuade him to pay. At the same time, I was powerless to enforce the municipal ordinance because I could not, according to existing treaties, hale him before the Chinese courts, and if I were to bring a suit in his consular court, it was a foregone conclusion that he would have been upheld in his refusal to pay. The manager was himself Chinese, not a foreigner; but some foreigner had a share in the ownership, and on that flimsy ground the shop flew the foreign flag, whose nationality does not mat-

ter, and claimed special privilege under the treaties.* Here, then, is an instance of how, even in such a matter as municipal reform, we run up against unequal treaties.

The sequel of this little case was that when the streets were torn up and were being repaired, I told the Director of Public Works that, since this particular shop did not pay the tax, he need not be in any hurry to repave that part of the street in front of it. When the manager saw that his customers were finding difficulty in getting into his shop, material considerations overrode his treaty scruples, and he paid, like everyone else. But it is not often that we are able to exercise what I may call extralegal pressure to lead foreigners to come around to our way of thinking. And you will appreciate that this is a state of affairs which no self-respecting municipality can long tolerate.

Many people keep asking us: "Why don't you Chinese get together? Why don't you have one strong central government? Why don't you unify your country?" We Nationalists did

* It should be added, in fairness, that the nationals of some countries, particularly Americans, do not refuse to pay municipal taxes.

make every effort to unify the country, and with the taking of Peiping did succeed in unifying the country—with the exception of Manchuria. There our Japanese neighbors have said: "You shall not include Manchuria in that unification." So here again is an example of the painful truth that we cannot put our own house in order without meeting with the foreign problem.

The Manchurian difficulty persists notwithstanding a treaty which nine powers concluded in the capital of the United States in 1922. That treaty said, among other things, that all the powers gathered together at that conference in the city of Washington agreed:

1. To respect the sovereignty, the independence and the territorial and administrative integrity of China;
2. To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

Now it does not require any technical knowledge of international law to see that the action of Japan in Manchuria cannot be reconciled with at least these two clauses of the Washington Treaty. One may wonder whether

the Washington Treaty is to be treated as a scrap of paper or not.

An argument frequently raised against China's demand for the abrogation of unequal treaties is that, owing to the unsettled conditions in China, and owing to the present system of administration of justice in the Chinese courts, it is necessary to maintain the treaties for the protection of the foreigners doing business in China; and, in particular, to have a system of extraterritoriality in order to give confidence to these foreigners.

The administration of justice by some of the courts of foreign powers in China, that is, some of those consular courts under the system of extraterritoriality, I shall refrain from discussing because it is public knowledge, and unfortunately, almost a public scandal among the residents, both Chinese and foreign, of the treaty ports.* Moreover, I do not wish to use

* The majority of the powers enjoying extraterritoriality do not have regular courts as a court is understood in Europe or America. They have consular courts presided over by a consular officer, not necessarily with, in fact usually without, legal or judicial training, generally subject to the local atmosphere and bias of his nationals, and sometimes under influence even more prejudicial to the impartial administration of justice.

the *tu quoque* argument because I do not think it is a good argument. But I can't help thinking that while China is revising her present system of administration of justice, in order to aid her in that task, it would seem advisable to remove all bad examples.

This plea of foreigners for the retention of consular jurisdiction reminds me of something that took place in a pleasant town in Switzerland a few years ago, in the winter of 1922-1923. The representatives of a number of powers, great and small, were gathered in Lausanne, and in reply to the demand of the Turks that the system of extraterritoriality be abolished in their country, harangued the Turkish delegation for something like two and a half months on the deficiencies of the Turkish judiciary system and its unfitness as yet to have foreigners brought under its jurisdiction. The Turkish delegates were told: "Your administration of justice is not satisfactory. You ought to furnish some guarantee of security to the foreigners who have brought capital into Turkey and among whom there is already considerable apprehension over the proposed abolition of the Capitulations." All these arguments have a very familiar ring to the Chinese.

However, the Turks stood their ground. The result was that the conference broke up. But less than three months later, it sat again. The powers gave way on every point, the Turks got what they wanted, and the system of Capitulations, that is extraterritoriality, was abolished in Turkey.

Now I give great credit to the Turks for the marvelous work which they performed from 1919 to 1922 in political organization and military achievement. Nevertheless, the Turks could not perform the impossible, and it was impossible for any nation in less than three months to change all those conditions to which the powers had objected. The natural conclusion is that either the alleged deficiencies of the Turkish judiciary were more fancied than real, a mere pretext to maintain foreign privilege in the country; or, if real, the powers did not regard judicial matters as of as much importance actually as political considerations. We in China are not in a position, as the Turks were, to gain any military or diplomatic victories over the great powers, but we hope that in our case it will be a victory for justice and common sense.

I should like to direct attention to one point

in regard to the so-called "protection" of foreigners in China, namely, that a large majority of foreigners no longer live under the extraterritorial treaties. With the surrender of these treaty rights by the Germans, Russians, and other nationalities, 70 per cent of the Europeans and Americans are subject to the jurisdiction of Chinese authority, roughly 83,000 out of a total of 118,000. As for the million or so of Japanese subjects residing in China, some 80 per cent being Koreans, with special status are non-extraterritorial.

As a sidelight on the feeling of confidence or otherwise of these foreigners whom some writers would pity because they have no extraterritorial treaties to protect them, I recall a situation in the spring of 1927. At that time there was considerable apprehension among the foreign residents of Hankow over their personal safety; many of them left, either returning to their home countries or going to ports on the coast. A certain foreign newspaper in Shanghai, which could not be accused of being biased in favor of the Chinese, published a statistical table regarding the movement of these foreign residents. This table showed that the nationals of extraterritorial countries, that

is, those who were favored by the special protection of such treaties, felt nervous and left Hankow in large numbers,* in the case of one nationality, to the extent of 90 per cent. And

* *North China Herald,* April 23, 1927.

THE EXODUS FROM HANKOW

*Result of Recent Mob Outbreaks on Number of Foreign Residents*

Hankow, Apr. 12.

A very interesting table showing how the recent mob activities in Hankow have affected the foreign population here is shown in the following, which gives the number of men, women and children resident here under normal conditions and the number here today:

| | | | *Six months ago* | | | *Today* | | |
|---|---|---|---|---|---|---|---|---|
| | *Total Normal* | *Total Today* | *Men* | *Women* | *Children* | *Men* | *Women* | *Children* |
| Japanese | 2,500 | 700 | 1,000 | 1,000 | 500 | 650 | 40 | 10 |
| British | 1,150 | 114 | 750 | 250 | 150 | 113 | 1 | .. |
| American | 450 | 85 | 250 | 150 | 50 | 78 | 3 | 4 |
| German | 223 | 223 | 104 | 56 | 63 | 104 | 56 | 63 |
| French | 140 | 123 | 121 | 14 | 5 | 109 | 9 | 5 |
| Belgian | 19 | 16 | 12 | 5 | 2 | 12 | 3 | 1 |
| Italian | 46 | 46 | 10 | 33 | 3 | 10 | 33 | 3 |
| Dutch | 10 | 10 | 6 | 3 | 1 | 6 | 3 | 1 |
| Total | 4,538 | 1,317 | 2,253 | 1,511 | 774 | 1,082 | 148 | 87 |

The above figures only refer to Hankow proper. *Reuter.*

these people had, furthermore, something more tangible than treaties to instil confidence into them, for the newspapers of early April, 1927, recorded that there were 36 foreign men-of-war anchored at Hankow, to wit, 13 Japanese, 11 British, 7 American, 3 French, and 2 Italian. On the other hand, the unfortunate non-extraterritorial foreigners, in this instance, the Germans, who had no protecting treaties, much less gunboats, found no reason for uneasiness and elected to remain; not one of the 104 men, 56 women, and 63 children joined in the general exodus, even when the panicky feeling must have been extremely contagious. What a remarkable commentary on the supposed efficacy of extraterritorial treaties and gunboats as a means of protection!

When we come to the root of the matter, may we not reasonably ask: Why should foreigners have special privileges in China at all? Why should they be able to demand the special protection of their home governments? When they go to a foreign country, they go of their own volition—nobody asks them to go. They go with their eyes open. They know

what the conditions are there. They must expect to take things as they find them, from the climate to the political and social conditions of the country. If they find any of these conditions not so much to their liking as in their own country, that is their own affair. Besides, they have certain compensations; for example, living conditions are good, plenty of servants at low wages, good income, social prestige. Then again, capital and investments get good returns. Even "gilt-edge securities," which net only 4 to 5 per cent at home, get 10 to 12 per cent. And there is no income tax to be paid either to the home government or to the government of the country of his sojourn.

The "call of the East" must be a very attractive lure. A foreigner who goes out there makes a venture and takes his chance. If there is peace and order in the country, he soon makes his "pile," retires home, and is satisfied that the East has treated him pretty well. If the country is unsettled, he is not doing as well as he expected and may even suffer losses. He then expects his home country to protect him with treaties and gunboats. He also expects the country of his temporary residence to submit to the treaties and gunboats. But logic and sportsmanship alike ask: "Why

should the one country guarantee him against chances of loss; and why should the other country accept indignities for the sake of his gain?"

Special privilege for any class of citizens is nonexistent in America or other liberal countries. Why should it be maintained in China; and for foreigners? The most that foreigners can reasonably expect in any country is to be treated before the law in exactly the same way as the nationals of that country; they cannot justly expect to be placed on a higher legal or political or economic plane than those among whom they live and whose guests they are.

China must go through her regeneration. In the process, conditions are inevitably disturbed and unsettled. China surely cannot be expected to stop her national evolutionary movement in her solicitude for the few foreigners in her midst. This does not mean, of course, that we will not do our best to protect the life and property of foreigners. We are exerting every effort to do that, notwithstanding difficulties incident to unsettled conditions. I am glad to say also that with the unification of the country by the Kuomintang, there is every prospect of the continuance of peace and order. But the principle of the matter remains.

This, then, is the basic position of the Kuomintang, of the Nationalist Government, and of the Chinese people, in demanding the abolition of the unequal treaties: because these place an impediment, a hindrance, in the way of China's progress toward becoming a modern nation.

What means are we going to employ to get these treaties changed? We have declared time and time again that we will use only legitimate means, that we will act according to the principles of international law.*

Here I may point out that great authorities on international law recognize that if there has been a fundamental change in the circumstances which gave rise to a treaty, then a nation is justified in canceling that treaty. As has been aptly put by one authority, "Respect for engagements contracted should not, for example, be pushed to a suicidal extent."†

* See Appendix IV and V, statements of foreign policy by successive Foreign Ministers of the Nationalist Government.

† "Furthermore, cases must necessarily be admitted also in which a State must be able to declare itself freed from any engagement, even when it has not expressly reserved this right by a clause of the treaty. Respect for engagements contracted should not, for example, be pushed to a suicidal extent. Though a State may be

We are relying on the sense of justice, on the spirit of fair play of the liberal nations of the West. We are relying particularly on the United States, which has few political commitments in relation to China, which has no territorial concessions in China, and which has always had a traditionally liberal policy in its dealings with China.

In January, 1927, your Secretary of State, Mr. Kellogg, made a statement to the effect that if China could appoint delegates representing the nation, he was ready to negotiate on the tariff question and on the extraterritoriality question at once, and to conclude a new treaty embodying these matters.* In the summer of 1928 I had the honor to address to Mr. Kellogg a note informing him that the Nationalist Government was ready to appoint plenipotentiary delegates to negotiate a new treaty and requesting him to also appoint delegates to represent the United States.† Mr. Kellogg, on the twenty-fourth of July, made a

required to execute burdensome engagements contracted by it, it cannot be asked to sacrifice its development and existence to the execution of a treaty."

Pradier-Fodere, *Droit International Public,* Vol. II, No. 1211.

* Appendix III. † Appendix VI.

declaration which is common knowledge.* In pursuance of that declaration, an agreement has been made restoring to China her tariff autonomy.†

That treaty, the first which new China has made with any foreign power, is made with the United States. It is also the first to make a breach in the iron wall of unequal treaties which has surrounded China; a breach made by the United States. Although, owing to a clause regarding nondiscrimination, China does not at once reap any material benefit from it, that treaty has made, I assure you, a profound impression in China. The Chinese people feel that it is worthy of the traditional friendship between the two peoples. It also has had a great effect on other nations.

The Chinese people, I hardly need tell you, appreciate this momentous step taken by the American Government. They have confidence, also, that this first treaty will be followed up without delay by a second which will deal with all the problems of treaty relations between China and the United States. The good will which the Chinese people have always entertained for America is well known. When

* Appendix VII. † Appendix VIII.

America has completed her gesture in restoring to China, so far as America is concerned, her full sovereignty, that good will will be America's forever.

# General Conference on Problems of the Pacific. *Subject:* Manchuria

## I.

Remarks of Mr. Chao-Chu Wu at
Institute of Politics, Williamstown
August 18, 1928

AS the Chairman, Dr. Blakeslee, has said, Manchuria is a very complicated subject, so with the time at my disposal I am afraid I cannot give a very adequate presentation, even of only one side of the question. As Dr. Blakeslee has said, also, I am doing it contrary to diplomatic conventions. After all we are not here at a meeting of the League of Nations. We are trying to probe into the problem as far as we can and as deeply as we can, and we cannot do it if we do not speak with sincerity and with frankness. That, I believe, is the spirit of this Institute, and that is the spirit in which I shall try to present this problem.

The first thing that we must remember in regard to Manchuria is that we must not be misled by the name of this piece of territory

into thinking that Manchuria is the land of the Manchus. Of course, the Republic of China is composed of five races and the Manchus are no less citizens of the Republic of China than are the Chinese, but there has been a certain tendency to imagine that Manchuria is somehow less Chinese than other parts of China. This is not the case.

When the Manchus conquered China in 1644, in order to keep China under subjection they established Manchu garrisons all over the country. In those days practically all able-bodied Manchus were soldiers. In a short time substantially the whole of the Manchu population was moved into China and occupied its strategic points. The result was that their own home, Manchuria, was depleted of its native inhabitants. The surrounding provinces of China, which happened to be among the most thickly populated, Shantung, for instance, moved their population into Manchuria simply as a result of natural economic pressure. Therefore, Manchuria is today a region which has a population practically all Chinese. It is more difficult to find Manchus in Manchuria today than it was before the war to find Jews in Palestine. In New York the other day,

a Chinese gentleman who came from Mukden was asked by an American whether he was a Manchu. He answered, "I am not a Manchu, but I am a Manchurian." He wanted to convey that distinction. Practically all the leaders in Manchuria of today or yesterday are Chinese.

This point is important as bearing on the claim of Manchuria to be an integral part of the Republic of China. Manchuria is as much Chinese, as much a part of China legally, morally, ethnically, as, we will say, the province of Shantung or the city of Canton. That integrity of Chinese territory has been specifically recognized by all the great powers who have anything to do with China. Only recently, during the last few months, we have had a reiteration of the undisputed fact that Manchuria is under the absolute sovereignty of China, by statesmen in England and the United States.*

The next point is the present Japanese position in Manchuria. That is what we have in mind, I think, when we discuss Manchuria.

* For example: Sir Austen Chamberlain's reply to a question in Parliament (*London Times,* July 14, 1928), and Mr. Kellogg's statement as published in the *New York Times*, August 10, 1928.

The Japanese are exercising at present a political control in that region which is derogatory to China's sovereignty. Japan first got that control as a result of her success in her war against Russia. She acquired then certain political and economic rights.*

In 1915 Japan presented a set of demands on China which have become famous as the Twenty-one Demands, and one of them dealt with the approaching lapse of these rights. As a result of China's compliance with those demands, practically at the point of the bayonet, although the two countries were not at war, Japan got what purported to be an extension of those rights for nearly another hundred years.† That is the short history of how Japan got her present position in Manchuria.‡

* In Manchuria, or rather South Manchuria, Japan took over from the Russians (a) the leased territory in the Liaotung Peninsula for the balance of the term of twenty-five years, which expired in 1923; (b) that part of the Russian-built railway system known as the South Manchuria Railway whose term was for eighty years, but of which China could exercise the right of redemption in 1939. Furthermore Japan obtained from China the concession for the Antung-Mukden Railway until 1923.

† Under duress, the then Chinese Government

signed documents purporting to extend the term of the Liaotung Peninsula lease to 1997, of the South Manchuria Railway to 2002, canceling China's right of redemption, and of the Antung-Mukden Railway to 2007.

‡ Apologists for Japan frequently make the point that Japan is in Manchuria today by virtue of her defeat of Russia, and that consequently she is entitled to enjoy the fruits of her victory. This argument, at best one appealing to sentiment rather than law or logic, falls to the ground when the above facts are considered. The fruits of Japan's victory over Russia, so far as Manchuria was concerned, were embodied in the transfer in 1905 by China to Japan of Russia's interests for their unexpired term—the Liaotung lease and South Manchuria Railway—and in the grant of a new railway concession—the Antung-Mukden Railway. According to the 1905 agreement, as noted above, the first and third were to be enjoyed by Japan until 1923, while the second was to be enjoyed by her for a longer period but subject to China's right of redemption. Today we find that Japan is still in possession of the first and third, though their terms have expired, and is in possession of the second freed from the right of redemption by the territorial sovereign. Obviously her present position is not due to the grant of 1905, but to the Twenty-one Demands of 1915. In other words, Japan is not enjoying now the fruits of her victory over *Russia;* their vintage lasted for some eighteen years from 1905 to 1923. She is enjoying the fruits of her doubtful victory over *China.*

We have been told for a long time by our Japanese friends that on account of Japan's defeat of Russia, Japan saved Manchuria for China, and is entitled to China's gratitude for such a chivalrous act. My sizing up of the situation is this: suppose one man robbed me of my watch, and a second man took it from the first, but did not give it back to me. Under such circumstances, I see no reason that the second man is entitled to my thanks.

Japan, in the course of her political control, has contributed to the development of the resources of Manchuria. I do not deny that. But to say, as some do, that in consequence of that, Japan should retain control is something I must deny. The resources of Manchuria have been developed for the benefit of whom? Primarily for the benefit of those who control Manchuria, namely the Japanese. They are exploiting the rich resources of Manchuria. To say that that gives them a moral title to Manchuria is far from the mark. No doubt the Japanese have developed Manchuria better than the Chinese war lords would have been able to do, but to give title to that country simply because one country can develop the resources of the land better than another country is a novel doctrine. If, because Japan

can develop Manchuria better than the Chinese war lords, the Japanese are entitled to possess Manchuria, are we to say that England or the United States, which with better resources, better equipment, and better science, can develop Manchuria better than the Japanese, may claim Manchuria as its own? We cannot have a contest of efficiency to determine conflicting claims of title,—if conflicting they are.

We hear it said that China has done this and done that, or China has not done this and has not done that in Manchuria, but there is often no distinction made as to what is meant by China. Certainly, there are many sins of commission and omission to be laid at the doors of the Chinese war lords. The Nationalists are the first to denounce them. But surely their deeds or misdeeds cannot be taken to be representative of China. Can anyone predict that the element representing the progress and the liberalism of China, the Nationalists, will not be able to develop Manchuria's resources as well as, if not better than, the Japanese? Are they not to be given a chance to show what they can do in Manchuria? And finally, is it merely dollars and cents, merely the material condition of the country which counts?

Are we not to consider the feelings of the people of Manchuria themselves? Is not the sentimental or the psychological point of view to be considered at all?

Japan's political control in Manchuria has given rise to Japan's intervention in China's internal affairs. In at least two instances in recent history Japan has done that. One was in 1925 in the case of Kuo Sung-Ling who was on the point of deposing Chang Tso-Lin when the Japanese intervened, resulting in the defeat and death of Kuo Sung-Ling. The other instance is occurring right now. Chang Hsueh-Liang (son of Chang Tso-Lin), who controls Manchuria, is willing to complete the unification of China. The Nationalist Government now controls China except Manchuria, and Chang Hsueh-Liang is willing to come under the jurisdiction of the Nanking Government.* Japan interposes and says no. Japan sends a delegate in the person of a high diplomatic and political personage to Mukden to accomplish this. It makes no difference whether the message is called an ultimatum, or whether it is called friendly advice. The fact remains that

* Since this lecture was delivered, Manchuria has been brought under the jurisdiction of the Nanking Government.

as a result of Japan's intervention, the unification of China is not complete—a unification which is desired by the whole of the Chinese people, whether in Manchuria or the rest of the country. The object, of course, is clear, whatever the pretext may be. It is the perpetuation as long as possible of Japan's domination over Manchuria.

A very clever parallel has been drawn between the position of Japan in Manchuria and that of the United States in certain countries in Central and South America, for example, in Nicaragua. I am not here today to discuss the rights and wrongs of America's action in Nicaragua. I understand that that has been more or less discussed in this Institute. But I would examine the two cases from a point of view which is patent to everybody. Whether America's intervention in Nicaragua is justified or not, American troops were invited there to bring unity to Nicaragua in order that the will of the Nicaraguan people may be properly expressed in the next election. On the other hand, in Manchuria, we see that Japanese action has been taken with the express object of bringing about discord in China, obstructing the union of Manchuria with the rest of China, and preventing the will of the Chinese

people from being carried out. I see, then, no parallel between Manchuria and Nicaragua.

As I have said, Japanese control in Manchuria is so very profitable that Japan wants to prolong it as long as possible. I have been asked by some newspaper men, "What is China going to do about it?" That is a question easier to ask than answer. During the past three months, an effort has been made by the Chinese people, through peaceful means, to make the Japanese realize that such an aggressive policy, or, to use the words of the Japanese prime minister, "positive policy," toward China is a mistaken one. Since the Shantung incident in May, there has been an economic boycott of Japan by the Chinese people, not with any hostile intentions, but with the idea of awakening the Japanese nation. That boycott will, I have no doubt, be intensified with the Manchurian developments coming on top of the other, but what the future is going to hold in store for us, I do not know. It is in the lap of the gods. But I can only say that the Chinese people have always been a peaceful and peace-loving people. I can only express the hope that the Chinese people will not become a militaristic people. I can only hope

that Manchuria will not become in the East another Alsace-Lorraine.

Japan says that the economic resources of Manchuria are vital to her existence. Very well, we are prepared to recognize Japan's economic interests. We are prepared to go further and protect Japan's economic interests. But that is no reason for exercising political control over Manchuria. England, an industrial nation, is vitally interested in getting raw materials from many countries, the United States for instance; but that is no reason for any English claim of political control over the United States. To put it in a nutshell, we object to Japan's political domination of Manchuria, which we consider to be an infringement of China's sovereignty, but we are ready to protect Japan's economic interests in that region.

We are prepared to welcome further investments from Japan, or other foreign capital, in Manchuria or anywhere else. We see no essential interrelation between political aggression and economic interest.

## II.

Remarks of Mr. Chao-Chu Wu at
Institute of Politics, Williamstown
in Reply to Mr. Hirosi Saito
Japanese Consul-General at
New York
August 22, 1928

THIS Institute seems to take as much interest in Manchuria as the Cabinet of China or Japan.

I have heard with interest the reiteration of Japan's point of view with regard to Manchuria. I am sorry that in an otherwise clear statement of Japan's view, Mr. Saito has found it necessary to repeat rumors, especially unconfirmed rumors, about things in China. He has referred to the rumor about differences or impending differences between personages in China. I remember that just as our army was on the point of taking Peiping about three months ago, there was a crop of rumors which gained considerable currency in the foreign press as to the impending conflict between two generals whose names have just been mentioned by Mr. Saito, and that Peiping was in

continual danger not so much from the fighting between the Nationalists and Chang Tso-Lin's troops as from fighting between the rival generals in the Nationalists' ranks. A few days later Peiping fell, and none of the disasters that were predicted took place. Then came another crop of rumors to the effect that there was going to be fighting, this time between the Nationalist generals over the spoils of the next place on which they were advancing, Tientsin. Again, the next few days proved them false. There would seem to be almost a systematic campaign to spread rumors and prejudicial rumors about the Nationalists.

Mr. Saito mentions the fifth plenary session of our party's Central Executive Committee. As a matter of fact, it went off smoothly without any of the rumored conflicts which we were told would take place. That session closed without any such incidents.

Then we hear about the uncertainty of the political complexion of the Nationalist Party and Government *vis-à-vis* communism. I thought that was made abundantly clear not merely in the words of the Nationalist Government and Party but in the action which that Government and that Party had taken with regard to Communists. At the present

moment there are no relations between my country and Soviet Russia. That reminds me of a particular mission which was undertaken recently by a prominent Japanese statesman to Moscow. I have nothing to say against that mission; but if a Nationalist leader had undertaken such a journey to Moscow, what a wonderful chance it would have been for rumor-mongers.

I do not quibble over words, but one word has just been used by the Japanese spokesman to which I must take exception. It was his reference to the South Manchuria Railway as the great "civilizing" instrument in Manchuria. Mr. Saito will no doubt recall a very witty remark made by one of his own countrymen, a distinguished statesman. It was made, I believe, after the conclusion of the Russo-Japanese War. He said, "We have been a great nation, a great civilized nation for centuries, but we are not called civilized by the foreign powers until we have defeated Russia." Japan got her civilization from China, as everybody knows, and as I think all Japanese admit. China has her civilization, which is the most ancient and of which she is very proud. Therefore, while we will admit the South Manchuria Railway as a modernizing influence, Mr. Saito

will perhaps accept my amendment as to its being a "civilizing" instrument.

The recent action of Japan with regard to Manchuria, I am afraid, does not agree with all her professions. That is always the difficulty in regard to international relations, to get agreement between professions and action. A great deal has been made of the necessity for the protection of Japanese economic interests in Manchuria. A great deal has been made of the prosperity of Manchuria. To what is that prosperity due? According to our Japanese friends, it is due primarily to that modernizing influence, the South Manchuria Railway, and to the maintenance of peace. Might I remind the audience today that the South Manchuria Railway was built not by the Japanese but by their predecessors in possession, the Russians? Might I take exception also to the statement that Manchuria was the only part of China which had been kept in peace? There are other regions in China which have enjoyed peace and order, and that without Japanese or any foreign assistance. I mention only an instance which is well known to most foreigners—the model province of Shansi. In Manchuria, in spite of all the things that we say against Chang Tso-Lin, we have

to give him credit for his ability to keep his subordinates in control and maintain the peace of Manchuria. I do not see any necessity for the Japanese keeping Manchuria separate from China—that is the meaning of the veto which the Japanese have put to the union of that region with the rest of China.

For the sake of argument, let us grant that the Japanese fear for the future. What is going to happen? Even when Manchuria is united to China, Japan still has all her divisions of troops, all her police, her whole government and everything else there. She is quite able to "protect" her interests against so-called Nationalist "aggression." Her control over Manchuria is no less than before, at least until she gives up her unequal treaties. Why should she object to the completion of the unification of China? I have not heard any good reason advanced for that. The fact is, of course, that the Japanese Government does not let Nationalist power extend to Manchuria, as Mr. Saito says. That is a very frank statement of Japan's position in Manchuria, that she does not "let Nationalist power extend to Manchuria." Manchuria is, undoubtedly, Chinese territory, everybody, including Japan, admits that; yet

Japan will not let the Chinese Government extend its control over Manchuria.

That reminds me of a well-known play which I once saw in Paris, Edmond Rostand's "L'Aiglon." It told the story of the son of Napoleon who was kept a prisoner in Vienna by the Austrian court. He was given a very fine palace; he was given the title and all the magnificence of royalty; but he could do nothing without being watched and followed, and his correspondence was read before it reached him. When his tutor was asked whether his Highness was not in possession of his freedom, he said, "Le Prince n'est pas prisonnier, mais—" ("The Prince is not a prisoner, but —"). The Prince admired the way in which his condition was tactfully expressed; he was a "pas-prisonnier-mais" ("not-prisoner-but").

That is, I am afraid, somewhat our position in Manchuria. We are the government in Manchuria but—. This territory is recognized as ours, but—. This meaning is, of course, that an attempt is being made gradually to separate Manchuria from the rest of China. It is the thin end of the wedge. We fear that little by little a protectorate will be established over

Manchuria, and perhaps later annexation will follow.

We have had a similar experience in the case of a region about which we hear no more. On the map there on the wall, you see Korea, next to Manchuria. Korea was at one time under China's suzerainty, but Japan said that Korea must be an independent state. China disputed that, a war was fought, China was defeated, and Korea became by international recognition an independent and sovereign country. In a few years' time, a protectorate was established over Korea; a few more years later annexation took place. That was the history of Korea, and that, we fear, is going to be the history of Manchuria, unless we are very careful. That is why the Nationalist Government and Nationalist China will never let Manchuria follow the path of Korea. Manchuria is very important to China, more important to China from any angle than it is to Japan or any other country. We will not, if we can help it, let this important piece of territory be separated from us.

Mr. Saito has talked about the sanctity of treaties. There is such a document as the Washington Treaty which, for one thing, bound its signatories to respect the sover-

eignty, independence, and the territorial and administrative integrity of China. Where is the sanctity of treaties when a country says that the Chinese Government cannot be permitted to extend its influence over a piece of China's own territory? Another clause in that treaty says that the fullest and the most unembarrassed opportunity shall be given to China to establish for herself a stable and effective government. Where is the sanctity of treaties when that government is prevented from bringing all the territory of the country under its control? Is it realized that by reason of this veto put on the complete unification of China the Nationalist Government must keep a large army in order that Manchurian troops may not at any moment descend again on China, and that this keeping of a big army prevents the stabilization of Chinese politics and delays the introduction of necessary reforms in China? Is it realized that when the Manchurian troops were withdrawn from China to Manchuria, they took with them the better part of the rolling stock of all the principal railways of China and that because we have not the engines and the cars we are hardly able to make our railways run again? These are just two of the most obvious effects

of this Japanese veto. And yet, meanwhile, we are assured that we have Japan's best wishes for the unification of China, for the prosperity of China!

I am glad to indorse one part of our Japanese friend's remarks, and that is the important interests that Japan has on the economic side in Manchuria, and indeed in China as a whole. But I should like to point out that you cannot get markets and customers by employing force or by making yourself unpopular. You must get the good will of your customers. I hope that Japan will set about developing those economic interests in the right way, in the only way; that is, by gaining the good will of the people of China.

## Appendix I

# Dr. Sun Yat-Sen's Will

For forty years, I have devoted myself to the cause of National Revolution the aim of which is to secure for China a position of independence and equality among nations. The accumulated experience of these forty years has fully convinced me that to attain this goal it is necessary to awaken the mass of our own people and associate ourselves with those peoples of the world who treat us on a footing of equality in the common struggle.

The Revolution is not yet achieved. Let all my comrades follow my writings, "Plans for National Reconstruction," "Fundamentals of National Reconstruction," "Three Principles of the People," and the Manifesto issued by the First National Convention of the party, and work unceasingly for their consummation. Above all, the convocation of a People's Convention and the abolition of unequal treaties, which I have recently advocated, should be accomplished with the least possible delay. This is my will and behest.

*24th February, 14 year of the Chinese Republic.*

SUN WEN.

Signed 11th March.

In two short paragraphs, Dr. Sun's will sums up the political faith of the Kuomintang. Without exaggeration it may be called the most important political document today. While various translations have been made, the original being, of course, in Chinese, none has been accepted as official. The above is my attempt.

It may be explained that the signature, Sun Wen, is the name by which Dr. Sun is known to Chinese, as Sun Yat-Sen is that by which he is best known to foreigners. The earlier date in the will was that on which it was drawn up; the later, one day before his death, that on which it was signed. The fourteenth year of the Chinese Republic corresponds to 1925.

C.-C. W.

## Appendix II

# The Organic Law of the National Government of the Republic of China

Promulgated at Nanking, October 4, 1928

The Kuomintang of China, in order to establish the Republic of China on the basis of the Three Principles of the People and the Constitution of Five Powers, which form the underlying principle of the Revolution, having conquered all opposition by military force and having now brought the Revolution from the military stage to the educative stage, deem it necessary to construct a framework for the Constitution of Five Powers with a view to developing the ability of the people to exercise political power, so that constitutional government may soon come into existence and political power be restored to the people; and, further, in virtue of the responsibilities hitherto intrusted to the party for the guidance and supervision of the Government, do hereby obtain and promulgate the following Organic Law of the National Government:

### CHAPTER I

### THE NATIONAL GOVERNMENT

ARTICLE 1. The National Government shall

exercise all the governing powers of the Republic of China.

ARTICLE 2. The National Government shall have the supreme command of the land, naval, and air forces.

ARTICLE 3. The National Government shall have the power to declare war, to negotiate peace, and to conclude treaties.

ARTICLE 4. The National Government shall exercise the power of granting amnesties, pardons, reprieves, and restitution of civic rights.

ARTICLE 5. The National Government shall be composed of the following five Yuan: the Executive Yuan, the Legislative Yuan, the Judicial Yuan, the Examination Yuan, and the Control Yuan.

ARTICLE 6. There shall be a President and from twelve to sixteen State Councillors of the National Government.

ARTICLE 7. The Presidents and Vice-Presidents of the five Yuan shall be appointed from among the State Councillors of the National Government.

ARTICLE 8. The President of the National Government shall represent the National Government in receiving foreign diplomatic representatives and in officiating or participating in State functions.

ARTICLE 9. The President of the National Government shall concurrently be the Comman-

der-in-Chief of the land, naval, and air forces of the Republic of China.

ARTICLE 10. In case the President of the National Government is unable to discharge his duties from any cause whatsoever, the President of the Executive Yuan shall act in his place.

ARTICLE 11. The National Government shall conduct national affairs through the State Council. The State Council shall be composed of the State Councillors of the National Government, and the President of the National Government shall be the Chairman of the State Council.

ARTICLE 12. All matters which cannot be settled between two or more of the Yuan shall be referred to the State Council for decision.

ARTICLE 13. All laws promulgated and all mandates issued by virtue of a decision of the State Council shall be signed by the President of the National Government and countersigned by the Presidents of the five Yuan.

ARTICLE 14. Each of the five Yuan may, according to law, issue orders.

## CHAPTER II

## THE EXECUTIVE YUAN

ARTICLE 15. The Executive Yuan shall be the highest executive organ of the National Government.

ARTICLE 16. The Executive Yuan shall have a President and a Vice-President.

In case the President is unable to discharge his duties from any cause whatsoever, the Vice-President shall act in his place.

ARTICLE 17. The Executive Yuan shall establish Ministries to which shall be intrusted the various executive duties.

The Executive Yuan may appoint Commissions to take charge of specified executive matters.

ARTICLE 18. The Ministries of the Executive Yuan shall each have a Minister, a Political Vice-Minister, and an Administrative Vice-Minister, and the various Commissions shall each have a Chairman and a Vice-Chairman, all of whom shall be appointed or removed by the National Government at the instance of the President of the said Yuan.

ARTICLE 19. The Ministers, and the Chairmen of the various Commissions, of the Executive Yuan may, when necessary, attend the meetings of the State Council and of the Legislative Yuan.

ARTICLE 20. The Executive Yuan may introduce in the Legislative Yuan bills on matters within its own competence.

ARTICLE 21. Meetings of the Executive Yuan shall be attended by the President, the Vice-President, the Ministers of the various Ministries, and the Chairmen of the various Commissions, and presided over by the President of the said Yuan.

ARTICLE 22. The following matters shall be decided at a meeting of the Executive Yuan:

(1) Bills on legislative matters to be introduced in the Legislative Yuan.
(2) Budgets to be submitted to the Legislative Yuan.
(3) Amnesties to be submitted to the Legislative Yuan.
(4) Declaration of war, negotiation for peace, conclusion of treaties, and other important international matters to be submitted to the Legislative Yuan.
(5) The appointment or dismissal of administrative officials of or above the rank of Chien-Jen (Third Class).
(6) All matters which cannot be settled between the various Ministries and Commissions of the Executive Yuan.
(7) All matters which, according to law or in the opinion of the President of the Yuan, should be decided at a meeting of the said Yuan.

ARTICLE 23. The various Ministries and Commissions of the Executive Yuan may, according to law, issue orders.

ARTICLE 24. The organization of the Executive Yuan and of the various Ministries and Commissions shall be determined by law.

## CHAPTER III

## THE LEGISLATIVE YUAN

ARTICLE 25. The Legislative Yuan shall be the highest Legislative organ of the National Government.

The Legislative Yuan shall have the power to decide upon the following:

Legislation, budgets, amnesties, declaration of war, negotiation for peace, conclusion of treaties, and other important international affairs.

ARTICLE 26. The Legislative Yuan shall have a President and a Vice-President.

In case the President is unable to discharge his duties from any cause whatsoever, the Vice-President shall act in his place.

ARTICLE 27. The Legislative Yuan shall be composed of from forty-nine to ninety-nine members, who shall be appointed by the National Government at the instance of the President of the said Yuan.

ARTICLE 28. The term of office of the members of the Legislative Yuan shall be two years.

ARTICLE 29. The members of the Legislative Yuan shall not concurrently be nonpolitical administrative officials of the various organs of the central or local governments.

ARTICLE 30. The President of the Legislative Yuan shall preside at all meetings of the Legislative Yuan.

ARTICLE 31. All resolutions passed by the Legislative Yuan shall be decided upon and promulgated by the State Council.

ARTICLE 32. The organization of the Legislative Yuan shall be determined by law.

## CHAPTER IV

## THE JUDICIAL YUAN

ARTICLE 33. The Judicial Yuan shall be the highest judicial organ of the National Government and shall take charge of judicial trials, judicial administration, disciplinary punishment of officials, and trial of administrative cases.

The granting of pardons and reprieves and the restitution of civic rights shall be submitted by the President of the Judicial Yuan to the National Government for approval and action.

ARTICLE 34. The Judicial Yuan shall have a President and a Vice-President.

In case the President is unable to discharge his duties from any cause whatsoever, the Vice-President shall act in his place.

ARTICLE 35. The Judicial Yuan may introduce in the Legislative Yuan bills on matters within its own competence.

ARTICLE 36. The organization of the Judicial Yuan shall be determined by law.

## CHAPTER V

## THE EXAMINATION YUAN

ARTICLE 37. The Examination Yuan shall be the highest examination organ of the National Government and shall take charge of examinations and determine the qualifications for public service. All public functionaries shall be appointed only after having, according to law, passed an examination and their qualifications for public service having been determined by the Examination Yuan.

ARTICLE 38. The Examination Yuan shall have a President and a Vice-President.

In case the President is unable to discharge his duties from any cause whatsoever, the Vice-President shall act in his place.

ARTICLE 39. The Examination Yuan may introduce in the Legislative Yuan bills on matters within its own competence.

ARTICLE 40. The organization of the Examination Yuan shall be determined by law.

## CHAPTER VI

## THE CONTROL YUAN

ARTICLE 41. The Control Yuan shall be the highest supervisory organ of the National Government and shall, according to law, exercise the following powers:

(1) Impeachment.

(2) Auditing.

ARTICLE 42. The Control Yuan shall have a President and a Vice-President.

In case the President is unable to discharge his duties from any cause whatsoever, the Vice-President shall act in his place.

ARTICLE 43. The Control Yuan shall be composed of from nineteen to twenty-nine members, who shall be appointed by the National Government at the instance of the President of the said Yuan.

The security of tenure of office of the members of the Control Yuan shall be determined by law.

ARTICLE 44. All meetings of the Control Yuan shall be attended by members of the Control Yuan and presided over by the President of the said Yuan.

ARTICLE 45. The members of the Control Yuan shall not concurrently hold any office in any of the organs of the central or local governments.

ARTICLE 46. The Control Yuan shall have the power to introduce in the Legislative Yuan bills on matters within its own competence.

ARTICLE 47. The organization of the Control Yuan shall be determined by law.

## CHAPTER VII

## ADDITIONAL ARTICLE

ARTICLE 48. The present law shall come into force on the day of its promulgation.

## Appendix III

# Statement by Mr. Frank B. Kellogg

Secretary of State, January 27, 1927

At this time, when there is so much discussion of the Chinese situation, I deem it my duty to state clearly the position of the Department of State on the questions of tariff autonomy and the relinquishment of extraterritorial rights.

The United States has always desired the unity, the independence and prosperity of the Chinese nation. It has desired that tariff control and extraterritoriality provided by our treaties with China should as early as possible be released. It was with that in view that the United States made the declaration in relation to the relinquishment of extraterritoriality in the Treaty of 1903 and also entered into the Treaty of Washington of February 6, 1922, providing for a Tariff Conference to be held within three months after the coming into force of the Treaty.

The United States is now and has been, ever since the negotiation of the Washington Treaty, prepared to enter into negotiations with any government of China or delegates who can represent or speak for China not only for the putting into force of the surtaxes of the Washington Treaty

but entirely releasing tariff control and restoring complete tariff autonomy to China.

The United States would expect, however, that it be granted most-favored-nation treatment and that there should be no discrimination against the United States and its citizens in customs duties, or taxes, in favor of the citizens of other nations, or discrimination by grants of special privileges, and that the open door with equal opportunity for trade in China shall be maintained; and further that China should afford every protection to American citizens, to their property and rights.

The United States is prepared to put into force the recommendations of the Extraterritoriality Commission which can be put into force without a treaty at once and to negotiate the release of extraterritorial rights as soon as China is prepared to provide protection by law and through her courts to American citizens, their rights and property.

The willingness of the United States to deal with China in the most liberal spirit will be borne out by a brief history of the events since making the Washington Treaty. That Treaty was ratified by the last one of the Signatory Powers on July 7, 1925, and the exchange of ratifications took place in Washington on August 6, 1925. Before the treaties finally went into effect and on June 24, 1925, the Chinese Government addressed identic notes to the Signatory Powers asking for the revi-

sion of existing treaties. On the first of July, 1925, I sent instructions to our Minister in Peking, which instructions I also communicated to all the other governments, urging that this should be made the occasion of evidencing to the Chinese our willingness to consider the question of treaty revision. I urged that the powers expedite preparations for the holding of the Special Conference regarding the Chinese customs tariff and stated that the United States believed that this special tariff conference should be requested, after accomplishing the work required by the Treaty, to make concrete recommendations upon which a program for granting complete tariff autonomy might be worked out. The delegates of the United States were given full powers to negotiate a new treaty recognizing China's tariff autonomy. At the same time, I urged the appointment of the Commission to investigate extraterritoriality, with the understanding that the Commission should be authorized to include in its report recommendations for the gradual relinquishment of extraterritorial rights. Prior to this, the Chinese Government urged the United States to use its influence with the interested powers to hasten the calling of the Conference on Tariff Matters and the appointment of the Extraterritorial Commission and for each government to grant to its representatives the broad power to consider the whole subject of the revision of the treaties and to make recom-

mendations upon the subject of the abolition of extraterritorial rights. This was in harmony with the views of the United States. Accordingly, on September 4, 1925, the United States and each of the other powers having tariff treaties with China evidenced their intention to appoint their delegates to the Tariff Conference. By a note which has been published, the powers informed China of their willingness to consider and discuss any reasonable proposal that might be made by the Chinese Government on the revision of the treaties on the subject of the tariff and also announced their intention of appointing their representatives to the Extraterritorial Commission for the purpose of considering the whole subject of extraterritorial rights and authorizing them to make recommendations for the purpose of enabling the governments concerned to consider what, if any, steps might be taken with a view to the relinquishment of extraterritorial rights. Delegates were promptly appointed and the Chinese Tariff Conference met on October 26, 1925.

Shortly after the opening of the Conference and on November 3, 1925, the American Delegation proposed that the Conference at once authorize the levying of a surtax of 2½ per cent on necessaries, and, as soon as the requisite schedules could be prepared, authorize the levying of a surtax of up to 5 per cent on luxuries, as provided for by the Washington Treaty. Our dele-

gates furthermore announced that the Government of the United States was prepared to proceed at once with the negotiation of such an agreement or agreements as might be necessary for making effective other provisions of the Washington Treaty of February 6, 1922. They affirmed the principle of respect for China's tariff autonomy to negotiate a new treaty which would give effect and announced that they were prepared forthwith to negotiate a new treaty which would give effect to that principle and which should make provision for the abolition of *likin,* for the removal of tariff restrictions contained in existing treaties and for the putting into effect of the Chinese National Tariff Law. On November 19, 1925, the Committee on Provisional Measures of the Conference, Chinese delegates participating, unanimously adopted the following resolution:

> The Delegates of the Powers assembled at this Conference resolve to adopt the following proposed articles relating to tariff autonomy with a view to incorporating it, together with other matters, to be hereafter agreed upon, in a treaty which is to be signed at this Conference.
>
> The Contracting Powers other than China hereby recognize China's right to enjoy tariff autonomy; agree to remove the tariff restrictions which are contained in existing treaties between themselves respectively and China; and consent to the going into effect of the Chinese National Tariff Law on January 1st, 1929.

The Government of the Republic of China declares that likin shall be abolished simultaneously with the enforcement of the Chinese National Tariff Law; and further declares that the abolition of likin shall be effectively carried out by the First Day of the First Month of the Eighteenth Year of the Republic of China (January 1st, 1929).

Continuously from the beginning of the Conference, our delegates and technical advisers collaborated with the delegates and technical advisers of the other powers, including China, in an effort to carry out this plan—viz., to put into effect the surtaxes provided for in the Washington Treaty, and to provide for additional tariff adequate for all of China's needs until tariff autonomy should go into effect. Until about the middle of April, 1926, there was every prospect for the successful termination of the Conference to the satisfaction of the Chinese and the other powers. About that time the Government which represented China at the Conference was forced out of power. The delegates of the United States and the other powers, however, remained in China in the hope of continuing the negotiations and on July 3, 1926, made a declaration as follows:

The Delegates of the foreign Powers to the Chinese Customs Tariff Conference met at the Netherlands Legation this morning. They expressed the unanimous and earnest desire to proceed with the work of the

Conference at the earliest moment when the Delegates of the Chinese Government are in a position to resume discussion with the foreign Delegates of the problems before the Conference.

The Government of the United States was ready then and is ready now to continue the negotiations on the entire subject of the tariff and extraterritoriality or to take up negotiations on behalf of the United States alone. The only question is with whom it shall negotiate. As I have said heretofore, if China can agree upon the appointment of delegates representing the authorities or the people of the country, we are prepared to negotiate such a treaty. However, existing treaties which were ratified by the Senate of the United States cannot be abrogated by the President but must be superseded by new treaties negotiated with somebody representing China and subsequently ratified by the Senate of the United States.

The Government of the United States has watched with sympathetic interest the nationalistic awakening of China and welcomes every advance made by the Chinese people toward reorganizing their system of government.

During the difficult year since the establishment of the new *régime* in 1912, the Government of the United States has endeavored in every way to maintain an attitude of the most careful and strict neutrality as among the several factions that have

disputed with one another for control in China. The Government of the United States expects, however, that the people of China and their leaders will recognize the right of American citizens in China to protection for life and property during the period of conflict for which they are not responsible. In the event that the Chinese authorities are unable to afford such protection, it is of course the fundamental duty of the United States to protect the lives and property of its citizens. It is with the possible necessity for this in view that American naval forces are now in Chinese waters. This government wishes to deal with China in a most liberal spirit. It holds no concessions in China and has never manifested any imperialistic attitude toward that country. It desires, however, that its citizens be given equal opportunity with the citizens of the other powers to reside in China and to pursue their legitimate occupations without special privileges, monopolies or spheres of special interest or influence.

## Appendix IV

# Statement by Mr. Chao-Chu Wu

Minister of Foreign Affairs, May 11, 1927

With the removal on April 18, 1927, of the seat of the Nationalist Government to the historic capital of China, Nanking, another stage has been reached in the Chinese Nationalist movement. The opposing forces, Progress and Reaction, which came to grips in 1911, have continued their struggle up to the present time, but there can be no doubt as to the ultimate triumph of the cause of Progress which has been consistently championed by the Kuomintang. The principles of the Kuomintang have molded the thought of a new China, and the Government founded on these principles has in the short space of two years extended its jurisdiction from Canton to more than half of China, including the richest, most populous, and most progressive cities and provinces.

The rest of China will in the near future also be delivered from militarism and misgovernment. The presence in the party of communist influences at variance with the precepts of the Kuomintang has during the past few weeks brought what hitherto has been an internal schism to an open split. Nevertheless, as these influences are small, there is every confidence that they will very shortly be

completely eliminated and that solidarity will be reëstablished in the ranks of the followers of Dr. Sun Yat-Sen.

The installation of the Nationalistic Government at Nanking affords an opportunity to make a public statement of its foreign policy. The Government, guided by the teachings of Dr. Sun, considers it its paramount duty, in accordance with the will of the entire Chinese people, to emancipate China from her state of international bondage and to secure for her an equal status in the family of nations, a status to which her civilization, resources, and population entitle her. China is fettered on every hand by treaties and conventions modeled after those imposed upon her nearly a hundred years ago. There are few agreements between nations, even when concluded on terms of equality, which have survived after the lapse of a century; is it reasonable to insist upon China's observance of antiquated and unequal treaties when the political, social, and economic conditions of the country, affecting both Chinese and foreigners, have undergone fundamental changes?

These treaties have on the one hand seriously impeded the development of the nation, on the other hand they have failed to accomplish the supposed object of protecting foreign interests and promoting foreign trade. Foreign interests are best protected and foreign trade best promoted by mutual good will, and genuine good will cannot exist

so long as anachronistic and humiliating treaties are enforced. In the common interest of Chinese and foreigners alike, a fundamental readjustment of the existing treaty relations is imperative.

The Nationalist Government addresses itself to the task of the abrogation of the unequal treaties, and will employ for that purpose all legitimate means. It has taken note of the statements emanating from authorized spokesmen of the foreign governments as to the inapplicability of the existing treaties and their readiness to meet the wishes of the Chinese people. With every confidence in the good intentions of the foreign governments, this government earnestly hopes that negotiations with a view to the conclusion of new treaties will immediately be opened. Technicalities should be discarded in order to achieve, in the shortest possible period, the aim of restoring harmonious relations between China and the foreign nations.

Meanwhile, the Nationalist Government will do all in its power to protect foreign life and property according to the generally accepted rules of international law. The resentment of the Chinese to the foreigner is not to him individually but to the system under which he lives. The Chinese object, not to the presence of the foreigner, but to his position of privilege. They consider that the foreigner should be placed on a footing of equality with the people among whom he has voluntarily chosen to live and trade.

In the forthcoming negotiations for the abrogation of the special privileges of foreigners in China, the Nationalist Government trusts that the foreign governments and peoples will display far-sighted statesmanship and practical wisdom in the solution of the outstanding problem of the world today. The Chinese people, irrespective of geographical situation and political creed, are all united in demanding international justice and fair play. In the interest of the peace and welfare of the world, such a simple and reasonable request by a quarter of the human race ought not to be made in vain.

## Appendix V

# Statement by Mr. Chengting T. Wang

Minister of Foreign Affairs, June 15, 1928

We now stand at the threshold of a new China. The vast energy that the whole nation has devoted to the achievement of the great object of battering down opposition to the true spirit of democracy may now be released for constructive work and for making China a better China to live in for all of us, and for the generations that will come after us. China is being unified; wars are over. On the ruins of the military operations, the Nationalist Government of the Republic of China must begin at once its program of rehabilitation and reconstruction, aiming at the realization to the fullest extent of the declared purpose of the revolution, to give the people a better livelihood. At the same time it should direct its energy toward the bringing about of equality among the nations, China in coöperation with all other nations will contribute her share toward the promotion of world peace.

At this juncture of China's rebirth, the Government has honored me with the appointment to the portfolio of foreign affairs. I am perfectly aware of the importance of this trust and of the great responsibility that is placed upon me now. I have long since dedicated my life to the service of the

nation. Like a soldier, I answer to the bugle call, whatever sacrifices that may entail, with the hope that I may do my share—however small that share may be—for the country and for the party. As to the diplomatic policy embodied in the declaration of the Nationalist Government, dated June 15, 1928, I solemnly declare that I will do my utmost to carry it into effect in letter and spirit to the end that China may be freed from her treaty restrictions and that China's international relations may become more and more friendly.

I have, however, another word to say in regard to the future of China's diplomatic affairs. A weak country invites external encroachment. So our fundamental policy should be internal improvement. With the cessation of fighting, we should one and all devote our energy toward the improvement and reconstruction of our industries, and toward the spreading of education among our people. May China progress with the rest of the world in prosperity and happiness. The friendly nations, it is hoped, will accord to China sympathetic assistance in her efforts to realize her aspirations by first freeing her from her treaty restrictions and, secondly, by giving her material aid. A strong and well-ordered China will mean peace and happiness to the world.

## Appendix VI

# Note from Mr. Chao-Chu Wu

Special Representative of the Nationalist Government in the United States, to Mr. Frank B. Kellogg, Secretary of State, July 11, 1928

The treaty and agreements forming at present the basis of the relations between China and the United States are admittedly anachronistic, incompatible with China's status as a sovereign state, and ill fitted to promote the best relations between the two countries. The Chinese people are unanimous in demanding that forthwith these shackles to their development as a modern state shall be removed and relations between China and foreign states shall be placed on a basis best calculated to foster international friendship and good will.

The Nationalist Government of the Republic of China which represents, and has always represented, the Chinese people, particularly since the elimination of the administration in the former capital of China, feels it to be its imperative duty to take immediate steps to give effect to that demand. In view of the traditional friendship between the United States and China, and your statement of January 27, 1927, it is the hope and expectation of the Nationalist Government that the Government of the United States will be pre-

pared at once to enter into negotiations with it for a new treaty between the two countries on a footing of equality and reciprocity.

Under instructions from my government, I have the honor to inform you that the Nationalist Government has decided to appoint plenipotentiary delegates for the purpose of such negotiations, and to request that the Government of the United States will likewise appoint delegates for the same purpose.

## Appendix VII

# Note from Mr. Frank B. Kellogg

Secretary of State, through the American Minister in China, to Mr. Chengting T. Wang, Minister of Foreign Affairs, July 24, 1928

Events in China have moved with great rapidity during the past few months. The American Government and people have continued to observe them with deep and sympathetic interest. Early in the year the American Minister to China made a trip through the Yangtze Valley region and while in Shanghai exchanged on March 30, 1928, with the Minister of Foreign Affairs of the Nationalist Government notes in settlement of the unfortunate Nanking incident of March 24, 1927. In pursuance of the terms therein agreed upon, a Sino-American Joint Commission has been intrusted with the appraisal of damages suffered by the American nationals during that occurrence.

On January 27, 1927, I made a statement of the position of the United States toward China. To it I have often subsequently had occasion to refer in reaffirmation of the position of this government. I stated therein that the United States was then, and from the moment of the negotiation of the Washington Treaty had been prepared to enter into negotiations with any government of

China or delegates who could represent or speak for China, not only for putting into force the surtaxes of the Washington Treaty but for restoring to China complete tariff autonomy. Ever since, the American Government has watched with increasing interest the developments pointing toward coordination of the different factions in China and the establishment of a government with which the United States could enter into negotiations. Informed through press dispatches and through official reports which have from time to time been released to the press, the American people also have observed with eager interest these developments.

In a note addressed by the American Minister to China to the Minister for Foreign Affairs of the Nationalist Government at Nanking, on March 30 of the present year, in reply to a suggestion of the latter concerning revision of existing treaties, reference was made to the sympathy felt by the Government and people of the United States with the desire of the Chinese people to develop a sound national life of their own and to realize their aspirations for a sovereignty so far as possible unrestricted by obligations of an exceptional character, and it was stated that the American Government looked forward to the hope that there might be developed an administration so far representative of the Chinese people as to be capable of assuring the actual fulfilment of any

obligations which China would of necessity have for its part to assume incidentally to readjustment of treaty relations.

In a communication addressed to me under date of July 11, 1928, Mr. Chao-Chu Wu informs me that the Nationalist Government has decided to appoint plenipotentiary delegates for the purpose of treaty negotiations and that he is instructed to request that the Government of the United States likewise appoint delegates for that purpose.

The good will of the United States toward China is proverbial and the American Government and people welcome every advance made by the Chinese in the direction of unity, peace, and progress. We do not believe in interference in their internal affairs. We ask of them only that which we look for from every nation with which we maintain friendly intercourse, specifically, proper and adequate protection of American citizens, their property and their lawful rights, and in general, treatment in no way discriminatory as compared with the treatment accorded to the interests or nationals of any other country.

With a deep realization of the nature of the tremendous difficulties confronting the Chinese nation I am impelled to affirm my belief that a new and unified China is in process of emerging from the chaos of civil war and turmoil which has distressed that country for many years. Certainly this is the hope of the people of the United States.

As an earnest of the belief and the conviction that the welfare of all the people concerned will be promoted by the creation in China of a responsible authority which will undertake to speak to and for the nation, I am happy now to state that the American Government is ready to begin at once, through the American Minister to China, negotiations with properly accredited representatives whom the Nationalist Government may appoint, in reference to the tariff provisions of the treaties between the United States and China, with a view to concluding a new treaty in which it may be expected that full expression will be given reciprocally to the principle of national tariff autonomy and to the principle that the commerce of each of the contracting parties shall enjoy in the ports and the territories of the other treatment in no way discriminatory as compared with the treatment accorded to the commerce of any other country.

## Appendix VIII

# Treaty Regulating Tariff Relations between China and the United States

Signed at Peiping, July 25, 1928

The Republic of China and the United States of America, both being animated by an earnest desire to maintain the good relations which happily subsist between the two countries, and wishing to extend and consolidate the commercial intercourse between them have, for the purpose of negotiating a treaty designed to facilitate these objects, named as their plenipotentiaries:

The Government Council of the Nationalist Government of the Republic of China:

T. V. Soong, Minister of Finance of the Nationalist Government of the Republic of China; and

The President of the United States of America:

J. V. A. MacMurray, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to China;

who, having met and duly exchanged their full powers, which have been found to be in proper form, have agreed upon the following treaty between the two countries;

Article 1—All provisions which appear in the treaties hitherto concluded and in force between China and the United States of America relating

to rates of duty on imports and exports of merchandise, drawbacks, transit and tonnage dues in China shall be annulled and become inoperative, and the principle of complete national tariff autonomy shall apply subject, however, to the condition that each of the High Contracting Parties shall enjoy in the territories of the other, with respect to the above specified and any related matters treatment in no way discriminatory as compared with the treatment accorded to any other country.

The nationals of neither of the High Contracting Parties shall be compelled under any pretext whatever to pay within the territories of the other party any duties, internal charges or taxes upon their importations and exportations other than those paid by nationals of the country or by nationals of any other country.

The above provisions shall become effective on January 1, 1929, provided that the exchange of ratifications hereinafter provided shall have taken place by that date; otherwise, at a date four months subsequent to such exchange of ratifications.

Article 2—The English and Chinese texts of this treaty have been carefully compared and verified; but, in the event of there being a difference of meaning between the two, the sense as expressed in the English text shall be held to prevail.

This treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers have signed this treaty in duplicate in the English and Chinese languages and have affixed our respective seals.

Done at Peiping, the twenty-fifth day of the seventh month of the seventeenth year of the Republic of China, corresponding to the twenty-fifth day of July, 1928.

Sealed and signed: TSE VUNG SOONG
Sealed and signed: J. V. A. MACMURRAY.

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